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November 25, 2019

VIA ECF

Honorable Roanne L. Mann
Chief Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Clint Tess v. City of New York, et al.
No. 18-cv-06542 (KAM) (RLM)

Your Honor:

I am the attorney assigned to represent defendants the City of New York, and individually named defendants Jackson, Eltabib, Sanchez, Armstrong, Doonerhornick, Taylor, Walker, Tobin, Iecampo, Feder, Dorisme, Shtotland, Hussameldin, Niemeyer, and Alexander in the above-referenced matter. Defendants write to respectfully request an extension of time in which to complete fact discovery, from the current deadline of December 9, 2019, up to and including February 7, 2020, and corresponding extensions of the deadlines to serve expert disclosures, from the current deadline of December 9, 2019, up to and including February 7, 2020, and of the deadline to file a Pre-Motion Conference Request, from the current deadline of November 8, 2019, up to and including March 6, 2020. This is the second request for an extension of time to complete discovery. This request is submitted with Plaintiff's consent.

As background, Plaintiff alleges, *inter alia*, claims for false arrest, unlawful imprisonment, unreasonable search, excessive force, indifference to medical needs, failure to intervene, delay in arraignment, and for municipal liability pursuant to *Monell* stemming from his June 16, 2016, arrest. The Court issued a scheduling order on April 10, 2019, with dates of May 10, 2019, for parties to amend the pleadings, July 12, 2019, for Plaintiff to serve a medical expert report, July 24, 2019, for a settlement conference, and October 10, 2019, for the completion of fact discovery. See ECF Docket No. 9. By letter dated October 4, 2019, the Defendants, with Plaintiff's consent, requested an extension of time to complete discovery until December 9, 2019, which was granted by this Court. However, as set forth below, a further enlargement of the discovery schedule is needed.

At this time, while the Defendants have resolved representation for the several

individually named defendants who were served with Plaintiff's Second Amended Complaint, and have provided responses to Plaintiff's most recent Interrogatories and Document Requests, depositions have yet to be held. There are potentially seventeen depositions to be held in this matter, including the plaintiff, all named defendants who have responded to the Complaint, and a Rule 30(b)(6) deposition as noticed by the Plaintiff. The parties are currently in agreement to hold six depositions, consisting of the Plaintiff, four NYPD officers who were at the scene of the Plaintiff's arrest, and a Rule 30(b)(6) deposition. Further, the deposition of the Plaintiff is scheduled for December 5, 2019, and it is anticipated that at least one of the NYPD officers who was at the scene of the arrest will be deposed on December 6, 2019. However, additional time is needed in order to schedule and hold depositions of the remaining defendants and the Rule 30(b)(6) witness, as these cannot be completed before December 9, 2019.

Accordingly, in order to allow for time for the parties to conduct depositions, Defendants respectfully request that the Court extend the time to complete fact discovery to February 7, 2020, and also grant corresponding extensions of the deadline to serve expert disclosures to February 7, 2020, and of the deadline to file a Pre-Motion Conference Request to March 6, 2020. Defendants thank the Court for its time and attention to this matter.

Sincerely,

James Jimenez

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cc: **BY ECF**
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